

SUPERIOR COURT OF CALIFORNIA, COUNTY OF ALAMEDA

Summary of Proposed Addition to Title 4, Chapter 4, of the Local Rules

Rule 4.335. Defendant's personal appearance required at trial

The proposed addition of rule 4.335 to the court's Local Rules ("Rules") entitled *Defendant's personal appearance required at trial* is part of the court's continuing effort to review, correct, and update its Rules as needed.

Proposed rule 4.335 is summarized below.

SUMMARY

The proposed rule expedites the process for those frequent occasions when the identity of the defendant becomes an issue during a traffic trial. The proposed local rule addresses this specific issue and does not conflict with the provisions of Penal Code § 19.7 – *Application of Misdemeanor Laws to Infractions* and Penal Code § 977 – *Presence of Accused—Waiver of Right to Personal Appearance* (specifically as to section 977(b)(2)). Moreover, requiring the personal appearance of the defendant promotes procedural uniformity regardless of whether the trial is for a photo red light citation or for citations issued during a traffic stop.

Below is the full text of proposed local rule 4.335 with additions noted in [underline](#).

[Rule 4.335. Defendant's personal appearance required at trial](#)

[The defendant must be personally present at the time of trial unless there is a stipulation regarding the issue of identity.](#)